U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship and Immigration Services

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APR 28 2009

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date:
EAC 05 250 51820

IN RE: Petitioner: [redacted]

PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks immigrant classification under section 204(a)(1)(A)(iii) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by a United States citizen.

The director denied the petition because the petitioner did not establish that she married her husband in good faith and that her husband subjected her to battery or extreme cruelty during their marriage.

On appeal, the petitioner submits a letter, additional evidence and copies of documents previously submitted.

Section 204(a)(1)(A)(iii) of the Act provides that an alien who is the spouse of a United States citizen may self-petition for immigrant classification if the alien demonstrates that he or she entered into the marriage with the United States citizen spouse in good faith and that during the marriage, the alien or a child of the alien was battered or subjected to extreme cruelty perpetrated by the alien's spouse. In addition, the alien must show that he or she is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) of the Act, resided with the abusive spouse, and is a person of good moral character. Section 204(a)(1)(A)(iii)(II) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii)(II).

An alien who has divorced a United States citizen may still self-petition for immigrant classification under section 204(a)(1)(A)(iii) of the Act if the alien demonstrates that he or she is a person:

> who was a bona fide spouse of a United States citizen within the past 2 years and –
>
> * * *
>
> (ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse.

Section 204(a)(1)(A)(iii)(II)(aa)(CC) of the Act, 8 U.S.C. § 1154(a)(1)(A)(iii)(II)(aa)(CC).

Section 204(a)(1)(J) of the Act, 8 U.S.C. § 1154(a)(1)(J) states, in pertinent part:

> In acting on petitions filed under clause (iii) or (iv) of subparagraph (A) . . ., or in making determinations under subparagraphs (C) and (D), the [Secretary of Homeland Security] shall consider any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the [Secretary of Homeland Security].

The eligibility requirements are further explicated in the regulation at 8 C.F.R. § 204.2(c)(1), which

states, in pertinent part:

> (vi) *Battery or extreme cruelty.* For the purpose of this chapter, the phrase "was battered by or was the subject of extreme cruelty" includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The qualifying abuse must have been committed by the citizen . . . spouse, must have been perpetrated against the self-petitioner . . . and must have taken place during the self-petitioner's marriage to the abuser.
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> * * *
>
> (ix) *Good faith marriage.* A spousal self-petition cannot be approved if the self-petitioner entered into the marriage to the abuser for the primary purpose of circumventing the immigration laws. A self-petition will not be denied, however, solely because the spouses are not living together and the marriage is no longer viable.

The evidentiary guidelines for a self-petition filed under section 204(a)(1)(A)(iii) of the Act are further explicated in the regulation at 8 C.F.R. § 204.2(c)(2), which states, in pertinent part:

> *Evidence for a spousal self-petition –*
>
> (i) *General.* Self-petitioners are encouraged to submit primary evidence whenever possible. The Service will consider, however, any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Service.
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> * * *
>
> (iv) *Abuse.* Evidence of abuse may include, but is not limited to, reports and affidavits from police, judges and other court officials, medical personnel, school officials, clergy, social workers, and other social service agency personnel. Persons who have obtained an order of protection against the abuser or have taken other legal steps to end the abuse are strongly encouraged to submit copies of the relating legal documents. Evidence that the abuse victim sought safe-haven in a battered women's shelter or similar refuge may be relevant, as may a combination of documents such as a photograph of the visibly injured self-petitioner supported by affidavits. Other forms of credible relevant evidence will also be considered. Documentary proof of non-qualifying abuses may only be used to establish a pattern of abuse and violence and to support a claim that qualifying abuse also occurred.
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> * * *
>
> (vii) *Good faith marriage.* Evidence of good faith at the time of marriage may include, but is not limited to, proof that one spouse has been listed as the other's spouse on

> insurance policies, property leases, income tax forms, or bank accounts; and testimony or other evidence regarding courtship, wedding ceremony, shared residence and experiences. Other types of readily available evidence might include the birth certificates of children born to the abuser and the spouse; police, medical, or court documents providing information about the relationship; and affidavits of persons with personal knowledge of the relationship. All credible relevant evidence will be considered.

The record in this case provides the following pertinent facts and procedural history. The petitioner is a native and citizen of Turkey who was admitted into the United States with a B1/B2 visa in 1999. On March 1, 2000, the petitioner married L-H-[1], a U.S. citizen, in Los Angeles, California. L-H- subsequently filed a Form I-130, Petition for Alien Relative, on the petitioner's behalf, which was approved on June 7, 2000. On August 13, 2001, the Form I-485, Application to Register Permanent Residence or Adjust Status, that was filed by the petitioner on July 26, 2000, was approved, granting the petitioner a CR6 class of admission. On September 17, 2003, the marriage between the petitioner and L-H- was dissolved, the judgment of which reflects a separation date of August 21, 2001.

The petitioner filed the instant Form I-360 on September 15, 2005. On February 21, 2006, the director issued a Request for Evidence (RFE) of, inter alia, the requisite qualifying relationship, good moral character, good-faith entry into the marriage, and battery or extreme cruelty. The petitioner, through former counsel, timely responded. On June 20, 2006, the director issued a Notice of Intent to Deny (NOID) the petition for lack of, inter alia, the requisite joint residency, good-faith entry into the marriage and battery or extreme cruelty. The petitioner timely responded to the NOID with additional evidence. On May 24, 2007, the director denied the petition because the petitioner did not establish that she married her husband in good faith or was subjected to battery or extreme cruelty. The petitioner timely appealed.

On appeal, the petitioner states that the director ignored, omitted, and turned the evidence against her. The petitioner also states that the director's argument that the photographs are not date-stamped is groundless and that she took photographs of the abuse from her husband because she loved him and planned on using them to force him into rehab. In the additional information submitted on appeal, dated December 2, 2007, the petitioner states that she received a response from the National Records Center regarding a Freedom of Information Act/Privacy Act (FOIA/PA) request she filed regarding the perjury committed by L-H- for the purpose of getting her deported. The petitioner explains that the information L-H- provided during their divorce proceedings was entirely different from the information he provided at their August 13, 2001 immigration interview in Los Angeles. The petitioner also explains that she is "most of the time on the run from [L-H-]'s attack dogs," that she had to move several times due to intense stalking, that her drinking water was being tampered with, and that attempts have been made to frame her with a crime in order to get her deported. The petitioner states that she is also the victim of a number of state and federal employees who have been protective of L-H-. As supporting documentation, the petitioner submits: copies of the FOIA/PA

[1] Name withheld to protect individual's identity.

request, signed by the petitioner on August 7, 2006, and attachments; the November 7, 2007 response to her FOIA/PA request, including a copy of the previously submitted month-to-month lease agreement for an apartment located at , signed by the petitioner and L-H- on August 1, 2001; a copy of the petitioner's letter to various immigration offices requesting the videotape from her August 13, 2001 immigration interview; a copy of the August 5, 2002 declaration from L-H- that was filed with the Los Angeles Superior Court on August 12, 2002, in connection with his divorce from the petitioner; copies of the "Deposition Subpoena for Production of Business Records," addressed to the Superior Court of California, County of Los Angeles, and the "Notice to Consumer or Employee and Objection," signed by the petitioner on March 17, 2003; and the March 28, 2003 response from the Assistant District Counsel, Department of Homeland Security, in Los Angeles, California.

Good Faith Entry into Marriage

The record contains the following evidence relevant to the petitioner's claim that she married her husband in good faith:

- The petitioner's statements dated September 9, 2005; June 18, 2007; and December 2, 2007 (the latter two submitted on appeal);
- Undated statements from the petitioner, entitled "Explanation for lack of joint checking accounts in the marriage," "Explanation on the Filing Status of the year 2000 Income Tax Return," and "Clarification on issues of contention on the account of the marriage," submitted on April 20, 2006, in response to the RFE;
- Undated statements from the petitioner, entitled "Regarding the good-faith marriage and the contention on the account of the marriage," and "Documents to establish good-faith marriage," submitted on August 17, 2006, in response to the NOID;
- The September 17, 2003 divorce decree for the petitioner and L-H-;
- A partial copy of the petitioner's bank statement for the period from May 27, 2000 through June 28, 2000;
- Form G-325A, Biographic Information, for the petitioner, reflecting that she lived at from January 1999 until she signed the form on March 3, 2000;
- Form G-325A, Biographic Information, for the petitioner, reflecting that she lived in Istanbul, Turkey from November 1998 through June 2000, and at Long Beach, California from June 2000 until she signed the form on June 21, 2000;
- Form I-130, Petition for Alien Relative, filed by L-H- on behalf of the petitioner on March 9, 2000, stating that he and the petitioner lived at the ." address from January 1999 until he signed the petition on March 3, 2000;
- A copy of a sales contract for a new vehicle, signed by the petitioner on June 24, 2000, reflecting the petitioner's address as
- A copy of an envelope from California Bank & Trust, postmarked on October 16, 2000, addressed to the petitioner as the " " address;

- A copy of an electric bill, dated June 16, 2001, addressed to L-H- at , Long Beach, California;
- A copy of a bill from Charter Communications, addressed to L-H- at the " " address, for the period from July 1 – July 31, 2001;
- A copy of a utility bill, dated August 2, 2001, addressed to the petitioner at the " " address;
- Copies of the petitioner's personal checks reflecting the " " address, dated from October 2000 to August 2001;
- A letter from the petitioner, dated April 17, 2001 and addressed to the Los Angeles district immigration office, notifying it of her change of address to: Redondo Beach, California;
- A copy of the petitioner's cancelled, personal check, dated April 25, 2001, addressed to , with the petitioner's " " address crossed out and replaced with the petitioner's , Redondo Beach, California address;
- Form I-864, Affidavit of Support Under Section 213A of the Act, signed by L-H- on July 19, 2001, on behalf of the petitioner, listing their address as: , Long Beach, California;
- A copy of a month-to-month lease agreement for an apartment located at , Long Beach, California, signed by the petitioner and L-H- on August 1, 2001;
- A copy of an envelope, postmarked on August 9, 2001, addressed to the petitioner at: Long Beach, California;
- Copies of two envelopes from California Bank & Trust, postmarked on August 14, 2001 and September 17, 2001, respectively, addressed to the petitioner at the " " address;
- A letter from dated August 16, 2001, regarding life insurance, addressed to the petitioner at the " address";
- An amended U.S. federal income tax return for 2000, signed by the petitioner and L-H- on July 21, 2001, reflecting the " " address;
- A letter from the IRS, dated September 6, 2001, addressed to the petitioner and L-H- at the " " address, for the tax period December 31, 2000, notifying them that, as requested, the filing status was changed from single to married filing joint;
- A notice from the IRS, dated September 17, 2001, addressed to L-H- at the " " address, notifying him that, pursuant to his request, his account for was corrected to reflect his filing status as "married filing joint return";
- An envelope from the IRS addressed to the petitioner and L-H- at the " address, with a "Notify Sender of New Address" notation, dated September 15, 2001, of L-H-'s new address at: Long Beach, California;
- A copy of the petitioner's cancelled, personal check addressed to the IRS, dated September 24, 2001, with the " ." address crossed out and the " written in, and notated "For the joint 2000 return";
- A bank statement for an "SDA" account, dated September 30, 2001, listing the petitioner

and L-H- on the "account title," reflecting that the account was opened in August 2001 with a start balance of $300.38 and no activity other than interest payments;

- A bank statement from Bank of America, for the period from October 1 – 15, 2001, addressed to the petitioner and L-H- at: Redondo Beach, reflecting a beginning balance of $300.38 and an ending balance of $0.00, and stating that the account had been closed;
- A copy of an insurance form from L-H-'s employer, signed by L-H- on August 27, 2001, enrolling the petitioner for medical coverage and listing her the life insurance beneficiary;
- A Verizon bill, dated August 25, 2001, addressed to the petitioner and L-H- at the "115 " address;
- A copy of the petitioner's W-2 Wage and Tax Statement for 2001, reflecting Services, Inc. as the employer, and the petitioner's address as:
- A copy of a declaration, executed and signed by L-H- on August 5, 2002, that was filed with the Los Angeles Superior Court on August 12, 2002, in connection with his divorce from the petitioner; and
- Photographs of the petitioner and L-H-.

In her September 9, 2005 statement, the petitioner states that she first met L-H- when he and his German friend, , spent Christmas vacation in Turkey, having traveled from Germany, where L-H- was studying and working from 1996 to 1997. The petitioner states that in 1998 and 1999, she visited L-H- in Los Angeles, despite L-H-'s claim in their divorce papers that he and the petitioner met only a few weeks before they were married in 2000. The petitioner also states that L-H- told the interviewing officer during their August 13, 2001 immigration interview that he and the petitioner met in 1996 in Turkey, and that they "hooked up over a long period of time." The petitioner reports that L-H- persuaded her to marry him, and after their wedding in March 2000, she returned to Turkey to finish her work with her employer, which lasted three months. The petitioner states that when she told L-H- in the fall of 2000, that she was ready to get pregnant, he acquired a dog "knowing very well that my albumen-to-globulin blood ratio would shoot up keeping me from getting pregnant." The petitioner states that she later discovered L-H- never put her on his medical insurance and also told her that he did not have to file income tax because he worked for the government, and thus she filed her taxes alone. The petitioner also states that L-H- began shoving her neck and tampering with the steering wheel while she drove so that they could collect insurance from a rear-end collision. The petitioner reports that in October 2001, L-H- kicked her out of their house and then took her back in, and later that month got her fired from her job. The petitioner states that in November 2001, she discovered L-H- in bed with three other men and in December 2001, he chased her out of the apartment, whereupon she rode the bus for three days to New York and flew back to Turkey.

In her June 18, 2007 statement submitted on appeal, the petitioner states, in part, that she took photographs of the abuse from her husband because she loved him and planned on using them to force him into rehab.

In the undated statement from the petitioner, entitled "Explanation for lack of joint checking accounts in the marriage" submitted on April 20, 2006, in response to the RFE, the petitioner states that she had three checking accounts from the time of her marriage on March 1, 2000 to December 7, 2001. The petitioner explains that she opened the first checking account with Bank of America in Virginia in 1997, before her marriage to L-H-, and that it was mostly inactive during the marriage and subsequently closed. The petitioner states that in October 2000, she opened the second account with the California Bank and Trust because L-H- did not want her on his account. The petitioner also states that in October 2001, she opened her third account at Bank of America in California and, by then, she already had concerns about L-H-'s collection accounts and bad credit.

In the undated statement from the petitioner, entitled "Explanation on the Filing Status of the year 2000 Income Tax Return" submitted on April 20, 2006, in response to the RFE, the petitioner states that L-H- lied to her by telling her that, because the landlord lived outside the country, he could not include her on the contract for their first apartment at the "[redacted]" address. The petitioner also states that she filed income taxes on her own because L-H- lied to her by telling her that, because he worked for the government, he did not have to file income taxes in 2000. The petitioner explains, "Since I knew that we could amend our taxes within the next three years, I thought that would give me enough time to get him psychiatric help and in the meantime keep him from getting arrested for something that he was not." The petitioner explains that she later re-filed her 2000 taxes as a "Non-resident Alien" and that "[a]s bull-headed as he was, he came around to amend his taxes with me with the filing status of 'Filing Jointly' around July 2001." The petitioner states, "I was relieved that at least we would not be accused of tax evasion during the immigration interview in August 2001."

In the undated statement from the petitioner, entitled "Clarification on issues of contention on the account of the marriage" submitted on April 20, 2006, in response to the RFE, the petitioner states that L-H- stated under oath during their August 2001 immigration interview that he and the petitioner met in Turkey in December 1996, and that their relationship developed over the years. The petitioner also states that L-H- lied under oath during their divorce proceedings on these same issues and other issues, including getting a mortgage behind her back and stating that she had a child in Turkey. The petitioner states that, before entering into her marriage, she had no knowledge of his secret life, which included his homosexuality, trafficking of underage runaway boys, fondling her friends, using women for their money, and having sex with dogs.

In the undated statement from the petitioner, entitled "Regarding the good-faith marriage and the contention on the account of the marriage" submitted on August 17, 2006, in response to the NOID, the petitioner states that she married L-H- because she thought he loved her and wanted to have children with her. The petitioner states that L-H- changed his testimony during their divorce proceedings to make her look like a "mail-order bride who would marry any man without knowing him . . ." The petitioner also states that she did not know prior to her marriage that L-H- was homosexual.

In the undated statement from the petitioner, entitled "Documents to establish good-faith marriage" submitted on August 17, 2006, in response to the NOID, the petitioner states that the lack of documents

of her good-faith marriage is due to the abuse from L-H-. The petitioner states that she has submitted photographs of "house move-in party" that took place at the " address. The petitioner states that she subpoenaed L-H-'s bank account and discovered that he attained a mortgage behind her back for the townhouse at the ' " address. The petitioner explains that she married L-H- primarily to have children. The petitioner states that she does not have supporting affidavits because her friends who witnessed her ugly marriage were fondled by L-H- and want nothing to do with her, and her ex-sister-in-law and nephew who personally met L-H- are avoiding her due to her disabilities and the unpleasant nature of her marriage.

The petitioner claims that she moved in with L-H- at his ' " apartment in Long Beach, California after their marriage on March 1, 2000, that she returned to Turkey for three months to finish her job, and that, upon her return to the United States in June 2000, she lived with L-H- until their separation in December 2001. The record, however, contains only intermittent joint documentation. The petitioner's explanation for the lack of joint documentation, namely L-H-'s abuse, is equivocal and does not fully resolve the numerous discrepancies in the record. For example, the Form G-325A, Biographic Information, signed by the petitioner on March 3, 2000, reflects that the petitioner lived at Long Beach, California from January 1999 until she signed the form on March 3, 2000. The Form G-325A, Biographic Information, signed by the petitioner on June 21, 2000, reflects that she lived in Istanbul, Turkey from November 1998 through June 2000, and at Long Beach, California from June 2000 until she signed the form on June 21, 2000. The Form I-130, Petition for Alien Relative, filed by L-H- on behalf of the petitioner on March 9, 2000, reflects that he and the petitioner lived at the ' " address from January 1999 until he signed the petition on March 3, 2000. The record contains no explanation for these discrepancies. In addition, the petitioner states in her September 9, 2005 statement that she lived with L-H- from March 2000 to August 2001 at the ' address and from August 2001 until December 2001 at the ' address. However, the record contains a letter from the petitioner, dated April 17, 2001, addressed to the Los Angeles district immigration office, notifying it of her change of address to: , Redondo Beach, California, and a copy of the petitioner's cancelled, personal check, dated April 25, 2001, addressed to , with the petitioner's ' " address crossed out and replaced with the petitioner's Redondo Beach, California address. The record also contains a copy of the petitioner's W-2 Wage and Tax Statement for 2001, reflecting the petitioner's address as: Redondo Beach, California. Again, the record does not contain any explanation for these inconsistencies. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591 (BIA 1988).

In addition, the petitioner was not included on any of the rental or mortgage agreements, and the joint lease agreement presented at the August 2001 immigration interview, by the petitioner's own admission, was fraudulent. The petitioner and L-H- also had no bank accounts and only one joint bill (Verizon), which is dated the same month of the petitioner and L-H-'s immigration interview. The petitioner also states that even though she and L-H- filled out insurance forms, L-H- never filed them with his employer. The petitioner's explanation for these deficiencies is that, while she married in good faith, L-H- did not. Again, the petitioner's explanation is equivocal and does not fully resolve the numerous discrepancies in the record. The record contains an amended U.S. federal income tax return for 2000, signed by the petitioner and L-H- on July 21, 2001, reflecting the ' address. Although the petitioner asserts that, again, it was the fault of L-H- for not filing jointly at the start, it is noted that the tax return was amended only a few weeks prior to their immigration interview. Also, the bank statement for an "SDA" account, dated September 30, 2001, listing the petitioner and L-H- on the "account title," reflects that the account was opened in August 2001, the month of the petitioner and L-H-'s immigration interview. It is also noted that the same September 30, 2001 statement reflects no account activity other than interest payments, and the statement for the same account for the period from October 1 – 15, 2001, reflects that the account had been closed.

In his August 5, 2002 declaration that was filed with the Los Angeles Superior Court on August 12, 2002, in connection with his divorce from the petitioner, L-H- states, in part, that: he met the petitioner through a personal ad on the computer that stated: "[A] single, white, gay male, looking for a woman to marry and to have children. . . ."; the petitioner moved out of his Long Beach condominium at the end of August [2001]; he was never deceitful or abusive with money; he never forced the petitioner to give him money; he never signed the "apartment contract"; he never had gambling or financial problems; he was never suicidal; he never won the lottery; he was monogamous during his marriage; the petitioner married him for the purpose of obtaining a visa; and the petitioner deserted him on August 21, 2001. It is noted that in the September 17, 2003 divorce decree, the Superior Court of California, County of Los Angeles, found the date of separation of the petitioner and L-H- to be August 21, 2001, and also found that the petitioner failed to present any substantial evidence to support the following claims:

1. That [the petitioner] used separate property funds to pay [L-H-'s] pre-marital debts;
2. That [the petitioner] transferred $8,970, to [L-H-] by wire transfer from [her] separate property bank accounts in Turkey;
3. That [the petitioner] transferred $11,800, to [L-H] from [her] separate property bank accounts in Turkey;
4. That [the petitioner] transferred $6,000, to [L-H-] by wire transfer from [the petitioner's] separate property bank accounts in Turkey;
5. That [the petitioner] borrowed $5,000, for necessities during marriage which should be reimbursed to her from the community;
6. That [L-H-] received earnings from gambling during the period of marriage;
7. That [the petitioner] is entitled to reimbursement for separate property expenditure on a medical emergency for [L-H-]; and

8. That [the petitioner] possessed a 4 carat diamond ring prior to marriage that expenditure on a medical emergency for [L-H-].

The petitioner dismisses the court's findings, alleging that L-H- "got the closet homosexual judge . . . on his side by extorting him with a videotape," and that the judge suppressed any evidence of the actual date of her separation from L-H-. The petitioner's assertions are acknowledged. However, the petitioner's own credibility is in question. For example, in her March 21, 2006 letter, the petitioner states: "Note that I have a brain-stem injury and a fractured foot from an October 12, 2005 dog attack lure. And a huge cover-up followed the incident." The record contains a "Prehospital Care Report (PCR)," dated October 12, 2005, indicating that the petitioner reported the following: "[S]he was entering into the lobby of the motel when a dog started chasing after her out the door and into the parking lot causing her to fall." The author of the report wrote that the witnesses reported that the petitioner entered the lobby area and when the witnesses "approached the front desk, [the petitioner] acted startled, began screaming, and ran out the door into the parking lot. Once outside she tripped on the parking curb falling to the ground, continuing to scream. The dog was in the lobby area lying in the corner of the room, never got up or approached the EMS staff during the investigation." The author of the report wrote that the petitioner "complain[ed] of elbow pain: insisting it was dislocated, neck discomfort: felt internal bleeding possible broke neck, back discomfort: felt the fall would cause paralysis, Facial pain: insisted concussion, possible eye trauma to cause blindness, and internal bleeding, (R) toe pain: insisted they were broken." The author of the report goes on to state that "primary/secondary assessment found above complaints unremarkable" and that only a superficial abrasion on the petitioner's right elbow was found. The above report conflicts with the petitioner's assertions that she has a brain-stem injury and a fractured foot from an October 12, 2005 "dog attack lure." Again, it is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591 (BIA 1988). The petitioner also has provided no evidence in support of her assertion that "a huge cover-up followed the incident." Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

The petitioner is not required to submit preferred primary or secondary evidence. *See* 8 C.F.R. §§ 103.2(b)(2)(iii), 204.1(f)(1), 204.2(c)(2)(i). However, the petitioner has submitted scant documentary evidence to support a finding that the petitioner entered into her marriage in good faith. The petitioner's claims that the lack of documents of her good-faith marriage is due to the abuse from L-H-, that her friends are not available to provide affidavits because they fled after being fondled by L-H-, and that her relatives are not available to provide affidavits because they are avoiding her due to her disabilities and the unpleasant nature of her marriage, are equivocal and do not fully resolve the numerous discrepancies in the record. The photographs confirm that the petitioner and L-H- were

pictured together, but these documents alone do not establish the petitioner's good-faith entry into the marriage. Moreover, the discrepancies in the record regarding how the petitioner met her husband, their courtship, decision to marry, wedding, and shared residences and experiences, significantly detract from the credibility of her claim. In sum, the relevant evidence fails to demonstrate that the petitioner entered into marriage with her husband in good faith, as required by section 204(a)(1)(A)(iii)(I)(aa) of the Act.

Battery or Extreme Cruelty

We affirm the director's determination that the petitioner did not establish the requisite battery or extreme cruelty. In addition to the evidence listed above, the record also contains the following, relevant evidence:

- Undated statements from the petitioner, entitled "Description of Abuse by Alien" and "Relationship with the abusive spouse," submitted on April 20, 2006, in response to the RFE;
- Undated statements from the petitioner, entitled "Regarding Abuse" and "My allegations of violence and aggravated stalking," submitted on August 17, 2006, in response to the NOID;
- A letter, dated March 23, 2006, from and
- Photographs.

In the undated statement from the petitioner, entitled "Description of Abuse by Alien," submitted on April 20, 2006, in response to the RFE, the petitioner states that L-H- abused her in the following ways: controlled her by making her think that he was mentally ill; exploited her during her adjustment of status period, as she could not leave the county to escape his abuse; acquired a dog despite her allergies and desire to get pregnant; refused to open a joint checking account with her; made her pay for his fake collection accounts by scaring her with fake bounty hunters and loan shark collection agents, who roughed her up and threw her on the floor; withheld a mailbox key and money from her; threw tantrums and threatened to kill himself; grabbed a knife and hit his head on the table or wall and shoved her neck and pushed her when she tried to stop him; and beat and bruised her, causing injuries to her neck and back. The petitioner explains that she dealt with L-H- "very gently and was never confrontational with him" so that he would not throw a tantrum and so that no one would find out. The petitioner states, "I was afraid that he would go to prison because of the visible bruises and scrapes on my body." The petitioner also states that she avoided people and "pretended to be on my cell phone with a big smile when somebody tried to approach or confront me." The petitioner further explains that L-H- called her a dozen times a day at work and that she lived "in a constant state of terror with a stiff neck." The petitioner states that she thought L-H- would kill himself and that she would get the death penalty "in the state of California where Turks are not exactly very popular." The petitioner also reports that she contacted the Orange County Boot Camp to get L-H- to join a rehab program, but shortly thereafter, her immigration interview notice arrived. The petitioner states that L-H- tried to force her to have car accidents to collect on the insurance and

that "he kept shoving my neck and bruised my vagina and inner thighs with his hands while I was driving." The petitioner reports that she was terminated from two jobs and that she discovered later that her husband called and got her fired. The petitioner also reports that she gave her 4-carat diamond ring to L-H-, which he was supposed to sell and give her the cash to pay off her bills in Turkey, which he did not do. The petitioner states that in late November 2001, she discovered her husband having sex with three other men in their bedroom and that she went through his things and found "a lot of other things" including "sex video tapes clearly being used for extortion." The petitioner reports that she eavesdropped on one of L-H-'s telephone conversations and discovered that he was planning to plant drugs in her car to get her arrested and deported. The petitioner explains that she was not supposed to survive the marriage, or at least get deported.

In the undated statement from the petitioner, entitled "Relationship with the abusive spouse," submitted on April 20, 2006, in response to the RFE, the petitioner states that the problems began in her marriage in October 2000, when she received her first paycheck and told her husband that it was time to conceive babies. The petitioner explains that the loan shark collection agents and bounty hunters, who later turned out to be fakes, "showed up and roughed me up and threw me on the floor and started kicking on my hardware and professional tools . . ." The petitioner reiterates her claims that her husband acquired a dog to stop her from conceiving and that he had violent tantrums during which he threatened suicide, shoved her neck, and pushed and bruised her. The petitioner claims that the dog tried to have sex with her and bite off her face, and that she had to leave her bed because the dog bit her a few times in her sleep. The petitioner also claims that she was getting a stiff neck and explosive headaches from her husband's obsessive talk about money. In addition to reiterating L-H-'s behavior that she discussed in her "Description of Abuse by Alien" document, the petitioner reports that her husband was also having sex with dogs, that he was trafficking runaway boys via the internet, and that he attained a mortgage behind her back for the "[redacted]" property.

In the undated statement from the petitioner, entitled "Regarding Abuse," submitted on August 17, 2006, in response to the NOID, the petitioner reiterates much of the same abuse she discussed in the RFE and also states that she has "continuous trauma" injuries that are not self-inflicted. The petitioner reports that she did not seek refuge in a shelter but that she had "planned on fleeing the [United States] . . . by swimming under water to cross the 3-mile border in the shark-infested Atlantic." The petitioner explains that her plan failed when she realized that she could no longer dive due to the neck injuries from her husband's constant shoving. The petitioner submits photographs of her injuries and explains, "I made sure there were no witnesses as my ex-husband [L-H-] was unstable and appeared to be suicidal." The petitioner explains that she had the photographs taken so that she could get her husband into a rehab program. The petitioner also states that her husband tried to force her into car accidents because he was desperate to get rid of her before their immigration interview.

In the undated statement from the petitioner, entitled "My allegations of violence and aggravated stalking," submitted on August 17, 2006, in response to the NOID, the petitioner reiterates much of the same abuse she previously discussed. The petitioner also states, "As a victim, my only obligation is to

file police reports if I am allowed to and to disclose as much information as possible to the authorities as to whom might be involved. The burden is on the District Attorney to check the phone records of alleged involved parties to decide whether charges should be pressed or not." The petitioner explains that she is staying at her "10th place" since October 2005 and that she had almost three months without aggravation "except for a few incidents where I caught people while tampering with my air-conditioner and my circuit breakers and stopping and staring at me." The petitioner also states that she has received prank calls and that she reported a customer service representative who was selling her incoming and outgoing phone numbers.

In addition to the evidence discussed above, the petitioner submitted a March 23, 2006 letter from from the Counseling & Psychotherapy Center of Coral Springs in Coral Springs, Florida, who states, in part, that he assessed the petitioner "as a victim of a Domestic Violence/Traumatic, abusive marital situation." does not specify the date or length of his assessment session with the petitioner. It appears that his report is based on one interview of unspecified length, more than four years after the petitioner separated from her husband. reiterates the petitioner's claim of abuse from her husband and diagnoses the petitioner with post-traumatic stress disorder (PTSD), stating that her condition is directly related to the physical and mental abuse she sustained during her marriage to L-H-. He recommends coordination with the petitioner's psychiatrist and psychotherapist for the proper psychotropic medication and psychotherapy. The diagnosis and recommendations from are noted. However, while we do not question the expertise of the record contains numerous unexplained inconsistencies, as discussed above, that detract from the probative value of testimony.

In this case, we do not find the petitioner's evidence to be credible or sufficient to meet the petitioner's burden of proof. As discussed above, the petitioner has provided no affidavits from witnesses to the alleged abuse. Again, the petitioner's claims that the lack of documents is due to the abuse from L-H-, that her friends are not available to provide affidavits because they fled after being fondled by L-H-, and that her relatives are not available to provide affidavits because they are avoiding her due to her disabilities and the unpleasant nature of her marriage, are equivocal and do not fully resolve the numerous discrepancies in the record. Moreover, her photographs of the bruises and injury to her right elbow do not demonstrate that the injury was in any way connected with abuse from L-H-. In fact, as discussed above, the "Prehospital Care Report (PCR)," dated October 12, 2005, indicates that the injury is not the result of abuse by L-H-. In addition, the photographs of her spray-painted vehicle also do not demonstrate any connection with the alleged abuse by L-H-. The petitioner has not provided any credible evidence in support of her claims of abuse, which include, beatings, shoving her neck, tampering with the steering wheel to cause an accident, forcing her to pay for her husband's fake collection accounts by scaring her with fake bounty hunters and loan shark collection agents, withholding her mail and money from her, and plotting to murder her. Nor has the petitioner explained the numerous inconsistencies in the record that diminish the evidentiary value of her statements. As described, the actions by the petitioner's husband do not rise to the level of the acts described in the regulation at 8 C.F.R. § 204.2(c)(1)(vi), which include forceful detention, psychological or sexual abuse

or exploitation, rape, molestation, incest, or forced prostitution. The claims made by the petitioner fail to establish that she was the victim of any act or threatened act of physical violence or extreme cruelty, that her husband's non-physical behavior was accompanied by any coercive actions or threats of harm, or that his actions were aimed at insuring dominance or control over the petitioner.

Upon review of the record in its entirety, the record does not indicate that the petitioner's husband subjected her to battery. The relevant evidence also fails to demonstrate that the petitioner's husband subjected her to extreme cruelty during their marriage. Accordingly, the petitioner has not established battery or extreme cruelty, as required by section 204(a)(1)(A)(iii)(I)(bb) of the Act.

The petitioner has not demonstrated that she married her husband in good faith and that her husband subjected her to battery or extreme cruelty during their marriage. She is consequently ineligible for immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Act and his petition must be denied.

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.